

Plaintiff's Trial Exhibit 55

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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

LOUIS AGRE, et al.,
Plaintiffs,

vs. No. 2:17-cv-4392

THOMAS W. WOLF,
Governor of Pennsylvania,
et al.,

Defendants.

- - - -
DEPOSITION OF: DANA KELLERMAN, DVM
- - - -

DATE: November 28, 2017
Tuesday, 9:25 a.m.

LOCATION: Cipriani & Werner
650 Washington Road
Suite 700
Pittsburgh, PA 15228
412-563-2500

TAKEN BY: Defendants

REPORTED BY: Sheila Stauffer, RPR
AKF REPORTERS, INC.
Notary Public
Reference No. SS47133A

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November 28, 2017

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DEPOSITION OF DANA KELLERMAN, DVM,
a Plaintiff herein, called by the Defendants
for examination, in accordance with the Federal
Rules of Civil Procedure, taken by and before
Sheila Stauffer, a Registered Professional
Reporter and a Notary Public in and for the
Commonwealth of Pennsylvania, at the offices of
Cipriani & Werner, 650 Washington Road,
Pittsburgh, Pennsylvania, on Tuesday,
November 28, 2017, at 9:25 a.m.

APPEARANCES:

FOR THE PLAINTIFFS:

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FOR THE DEFENDANTS:

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PROCEEDINGS

DANA KELLERMAN, DVM,
being first duly sworn,
was examined and testified as follows:

EXAMINATION

BY MR. HALL:

- Q. Would you state your name for the record,
please.
A. Dana Kellerman.
Q. What is your address, Ms. Kellerman?
A. It's Dr.
Q. Dr. Kellerman.
A. Yes. 1299 Fox Chapel Road, Pittsburgh, 15238.
Q. So is that Fox Chapel Borough?
A. Yes.
Q. Are you a medical doctor or PhD?
A. I am a veterinarian.
Q. Okay. Well, we all like our vets, that's for
sure. Where do you practice? Where is your
practice?
A. I do a mobile consulting practice for the
local veterinarians.

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EXAMINATION INDEX

DANA KELLERMAN
BY MR. HALL 4

CERTIFICATE OF REPORTER 45

NAME	EXHIBITS	MARKED
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Exhibit 3	3	21
Exhibit 4	4	24

(Exhibit 1 was marked for identification.)

- Q. I am going to show you and your attorney first
the Amended Complaint, and I highlighted your
name.
A. Okay.
Q. Dr. Kellerman, had you seen that Amended
Complaint before this morning?
A. Yes.
Q. Did you participate in the drafting of that
complaint?
A. No.
Q. When did you see that complaint?
A. I looked at it on the Brennan Law Center
website last night.
Q. Had it already been filed when you looked at
it with the Eastern District Court?
A. I assumed so because after that there are
listed decisions by the court as to various
portions of it.
MR. HEALEY: Just for the record,
the file stamp indicates it was filed November
17 up on top.
A. So, yes, it was already filed because

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1 yesterday was after that.
 2 Q. How did you come to engage the attorney or
 3 attorneys representing the plaintiffs in Civil
 4 Action No. 17-3492 where Louis Agre is the
 5 first named plaintiff, and you are one of the
 6 named plaintiffs? I'm not going to read them
 7 all.
 8 A. Somebody I know on-line said that there was a
 9 lawsuit going on about gerrymandering, and
 10 they were looking for citizens living in each
 11 congressional district who feel they might be
 12 harmed by gerrymandering, and I volunteered.
 13 Q. When you said somebody, I am going to ask who
 14 somebody is.
 15 A. I have no idea. Possibly Lee Longo, but
 16 honestly I really don't know. But they sent
 17 me Brian Gordon, the other attorney's contact
 18 information, and I got in contact with Brian.
 19 Q. So you volunteered on-line; is that right?
 20 A. Yes.
 21 Q. Did you fill out an application or any type of
 22 registration?
 23 A. No. She asked if people -- I am assuming it
 24 was a woman -- asked if there was anybody in
 25 the district, I said I was, and she forwarded

1 Q. So at any rate, this complaint had been filed
 2 before you saw it?
 3 A. Yes.
 4 Q. And you have never been asked to sign what I
 5 have termed an engagement letter from any
 6 attorney?
 7 A. I have not been asked to sign anything.
 8 Q. And then there are no fees you say?
 9 A. I have not been asked to receive or to pay any
 10 fees.
 11 Q. So who is paying the lawyers, do you know?
 12 A. No, I do not. Maybe they are doing it out of
 13 the goodness of their hearts.
 14 MR. HEALEY: That happens sometimes.
 15 -----
 16 (There was a discussion off the record.)
 17 -----
 18 Q. At any rate, you've never paid any of these
 19 lawyers?
 20 A. No.
 21 Q. You are not aware of any other plaintiff that
 22 has paid any of these lawyers?
 23 A. No.
 24 Q. So you are, according to the complaint, you
 25 are a resident of the 12th Pennsylvania

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1 me Brian's contact information and said if you
 2 are interested, get in touch with him, and
 3 they will let you know what that would
 4 involve.
 5 Q. What is Brian's full name?
 6 A. Brian Gordon.
 7 Q. Did you enter into an engagement letter with
 8 any attorney representing the plaintiffs in
 9 Civil Action No. 2:17-cv-4392 in the Eastern
 10 District of Pennsylvania?
 11 A. What is an engagement letter?
 12 Q. That would be a letter from the attorney
 13 setting forth the terms of the engagement with
 14 the attorney, and what that attorney is going
 15 to do and maybe what he is not going to do, or
 16 she is not going to do, and what the fees
 17 would be.
 18 A. There are no fees. I don't believe I did. I
 19 did tell Brian I would attend the deposition.
 20 Q. Have you ever had to sign an engagement letter
 21 with an attorney?
 22 A. No, no.
 23 Q. Do you have an attorney like for your
 24 business, your veterinary business?
 25 A. No.

1 congressional district?
 2 A. Yes.
 3 Q. And who would be your congressman?
 4 A. Keith Rothfus.
 5 Q. Did you vote for Keith in the last election?
 6 A. No.
 7 Q. Who did you vote for?
 8 MR. HEALEY: I am going to object to
 9 specifics on vote. If you want to ask
 10 generally, do you generally vote Democratic or
 11 Republican, but in terms of who you voted
 12 specifically in a particular election, but she
 13 answered she didn't vote for Rothfus.
 14 Q. Were you prevented in any way from voting for
 15 who you wanted to in the last election for
 16 Congress in your 12th congressional district?
 17 A. I was not prevented from voting for either of
 18 the people who were on the ballot.
 19 Q. Did you write anybody in?
 20 A. I did not. My previous district, where I
 21 would have preferred my representative,
 22 disappeared. I used to be part of the 4th
 23 district.
 24 Q. Tell me geographically where that is?
 25 A. It is in exactly the same place it is now. I

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<p>1 live in the exact same place I did. My</p> <p>2 district was changed.</p> <p>3 Q. How many times did you vote in the 12th</p> <p>4 district?</p> <p>5 A. We have been the 12th since 2010 or 2012.</p> <p>6 Q. And has --</p> <p>7 A. I vote every two years.</p> <p>8 Q. Has Keith Rothfus been the congressman there</p> <p>9 that entire time?</p> <p>10 A. Mark Critz was the congressman first.</p> <p>11 Q. What party affiliation is Mark Critz?</p> <p>12 A. He is a Democrat sort of.</p> <p>13 Q. Sort of?</p> <p>14 A. Sort of. It is a conservative Democrat.</p> <p>15 Q. Keith is Republican, right?</p> <p>16 A. Yes.</p> <p>17 Q. Did you work for any campaigns in the 12th</p> <p>18 district?</p> <p>19 A. I did not.</p> <p>20 Q. Did you contribute any monies financially to</p> <p>21 the congressional race?</p> <p>22 A. Prior to 2016 --</p> <p>23 Q. Okay. That was a bad question. Let me ask a</p> <p>24 better question. In the years 2016, 2014, or</p> <p>25 2012, let's say, did you contribute</p>	<p>1 you if they want to. So why don't we mark</p> <p>2 this as Exhibit 2.</p> <p>3 -----</p> <p>4 (Exhibit 2 was marked for identification.)</p> <p>5 -----</p> <p>6 Q. Doctor, the highlighting is mine.</p> <p>7 A. Okay.</p> <p>8 Q. Okay. Could I look at it for a second. So</p> <p>9 the court states in this order that</p> <p>10 "plaintiffs may be questioned about their</p> <p>11 political registration and voting history."</p> <p>12 So we have been talking about that, right?</p> <p>13 A. Yes.</p> <p>14 Q. And also the court says "to describe any harm,</p> <p>15 quote-unquote, they allege in this case, and</p> <p>16 shall produce, preferably before but no later</p> <p>17 than at the deposition, documents in their</p> <p>18 possession, custody or control on these</p> <p>19 topics."</p> <p>20 So let me break that down. What harm</p> <p>21 are you alleging happened to you personally in</p> <p>22 this complaint?</p> <p>23 A. I am alleging that my vote does not count as</p> <p>24 much as it should. I am alleging that because</p> <p>25 I have been grouped into a district with a</p>
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<p>1 financially to any candidate in the 12th</p> <p>2 district?</p> <p>3 A. No, I did not.</p> <p>4 Q. Were you prevented from contributing by</p> <p>5 anybody?</p> <p>6 A. No, I was not.</p> <p>7 Q. Now, before 2012, when it was, you said, the</p> <p>8 4th congressional district, right?</p> <p>9 A. Yes.</p> <p>10 Q. Did you contribute to any candidate for</p> <p>11 Congress?</p> <p>12 A. I did not.</p> <p>13 Q. Have you ever, Doctor, been an elected</p> <p>14 government official?</p> <p>15 A. I have not.</p> <p>16 Q. Have you ever run?</p> <p>17 A. Nope.</p> <p>18 Q. You don't fall in the category, if nominated I</p> <p>19 will not run, if elected, I will not serve,</p> <p>20 right?</p> <p>21 A. No.</p> <p>22 Q. I am going to show you -- I only have one</p> <p>23 copy, but I will make another copy for your</p> <p>24 attorney -- this is an order from the court</p> <p>25 about the questions that the lawyers can ask</p>	<p>1 whole bunch of other people, and I did not</p> <p>2 bring a map of 12, but I am assuming you've</p> <p>3 seen a map of PA 12. That my vote has</p> <p>4 purposely been diluted by the addition of a</p> <p>5 whole bunch of other barely contiguous</p> <p>6 communities that don't belong in my district.</p> <p>7 Because my vote has been diluted, my</p> <p>8 representation has been diluted, and now I</p> <p>9 have a congressman who is way further to the</p> <p>10 extreme than he should be because he doesn't</p> <p>11 have to worry about the general election. He</p> <p>12 only worries about the primary.</p> <p>13 Q. Extreme what?</p> <p>14 A. The extreme of his political party. He is not</p> <p>15 a centrist or moderate Republican. He is an</p> <p>16 extremely right wing Republican. Because he</p> <p>17 doesn't need to worry about running in the</p> <p>18 general election because he is going to win</p> <p>19 the general election.</p> <p>20 Q. How would you draw the 12th congressional</p> <p>21 district to make it acceptable to you?</p> <p>22 A. I am not a statistician. I'm not a computer</p> <p>23 programmer. But ideally my district should be</p> <p>24 compact. It should include the requisite 700</p> <p>25 and change thousand number of people that are</p>

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required by law. It should not break up municipalities whenever possible. It should include whole townships. It shouldn't split my township, and it should not be based upon the political persuasion of the people in the district. It shouldn't have these little fingers that reach out to grab another clump of Republicans, and it should not have these little carve-outs like Cheswick which were pulled out, leaving this bizarre hole in our district because those votes wouldn't swing the district the other way.

I shouldn't drive down Freeport Road and cross in and out of my district four times in five miles.

Q. Don't you agree that no matter which way you configure the district, you are going to have different population groups no matter what?

A. There are going to be different population groups no matter what. And since our state swings, or at least based on the Senate and whole state elections, we swing about a little over half to the Republican side and a little less than half to the Democratic side, you would think that our congressional district

citizen.

A. It is an important obligation of being a citizen.

Q. Okay, obligation. So, Doctor, is it your position that there is some perfect configuration of congressional districts that is out there that would allow for you to elect a Democratic in the 12th congressional district?

A. That is not my point. There is not a perfect way of drawing districts. There are certainly better ways than what happened, but there are no perfect ways. And the goal is not that we elect a Democrat. My goal is not that we elect a Democrat in the 12th. My goal is that the citizens who live in the 12th decide who represents us.

In the past, I had Jason Altmire who is a liberal Democrat. I had Melissa Hart who is a Republican. I had Mark Critz then who beat Jason Altmire. I have had both Republican and Democratic representation. But it went back and forth, and those representatives were responsive to the people in their district because they knew they might

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would represent that. Not 13 to 5. Which is nowhere near the population representation.

Q. How many Republicans and how many Democrats population-wise in your district?

A. In my district, I don't know exactly.

Q. So you are saying the Commonwealth of Pennsylvania total congressional districts, there is more Republicans than Democrats?

A. No. I am saying that's what happened in last year's votes. Only 43 percent of the people voted. Lots of people could be registered as Democrats and never vote. Lots of people could be registered as Republicans and never vote. How you are registered doesn't mean how you voted. I don't know.

Q. That's right. You don't have to vote -- you have to vote your party in the primary but not in the general election, correct?

A. Correct. And I don't have to vote at any of those times.

Q. You don't have to vote.

A. Right.

Q. But you say you do vote.

A. I do.

Q. Because that's an important right of being a

be out next time.

Q. Could that be because of personality of the candidate and their positions more than how many Republicans or how many Democrats happen to be in their district? Such as I know Melissa Hart, she is a dynamic lady, I think.

A. I am sorry, could you rephrase that.

Q. Well, I am just --

A. Could Keith Rothfus not being responsive to my concerns be because Keith Rothfus is not a responsive person as opposed to how the district is? I don't understand.

Q. What I am saying, taking Melissa Hart as an example, could she have been elected because of her personality and her positions politically and all the other factors that go into it, her integrity, her character, her education, her charisma? I mean, there are a lot of reasons why people vote for somebody, isn't there?

A. There are people who vote for them because they recognize their name on the ballot. People get voted in for all sorts of reasons.

Q. That's right. But it seems to me you are taking the position that the only reason

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1 people get voted in is because of the
2 geographic configuration of the district. It
3 has nothing to do with any other
4 characteristic of that candidate.
5 A. I am saying that a party can run a good
6 candidate or a bad candidate or anything in
7 between. But we are starting off from a point
8 where it is way more difficult than it should
9 be for a moderate of either party to win, or
10 for any, in our gerrymandered district, for
11 any Democrat to win. It is an extra bar which
12 shouldn't be there.
13 Q. Let me ask you this question. When was the
14 last time a Republican was elected mayor of
15 the City of Pittsburgh?
16 A. I would assume never, but I have no idea.
17 Q. That's a pretty good assumption.
18 MR. HEALEY: 1930 -- '31, that was
19 the last one.
20 A. But the configuration -- but who lives in my
21 district didn't change, just my district
22 borders changed. Nobody moved in or out of my
23 neighborhood to change.
24 Q. Well, the Borough of Fox Chapel where you
25 live, is it predominantly Republican or

1 assume that somebody has already produced a
2 copy of the congressional maps. Do we have a
3 copy of congressional maps?
4 MR. HEALEY: I do not. I know it is
5 in the records.
6 MR. HALL: I don't have it either.
7 Q. Well, the question is, as of right now,
8 Doctor, you don't have any documents of any
9 kind that reflect the harm that you are
10 alleging in this case; is that right?
11 A. You have my statement about the harm that I am
12 alleging in this case I suppose.
13 Q. You made that statement.
14 A. Yes.
15 Q. What I am asking you, beyond the oral
16 statement, you don't have any documents that
17 form the basis for your oral statement of the
18 harm that you are alleging in this case?
19 A. No. What sort of statement would you propose
20 would demonstrate that harm?
21 Q. I am saying documents.
22 A. What sort of documents would you suggest that
23 I should be producing?
24 Q. Well, see the way this works --
25 A. Because I don't understand your question.

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1 Democrat?
2 A. My precinct voted 65 percent for Hillary in
3 the last election. They also voted for
4 Rothfus primarily I think because maybe they
5 didn't know who McClelland was, because the
6 alternative did not campaign.
7 Q. So people were splitting their ticket. They
8 weren't voting straight R or straight D in
9 your precinct.
10 A. Yes. And the time before that when Rothfus
11 ran unopposed, most people voted for him as
12 opposed to not voting for that one.
13 Q. Now in this order, Doctor, the court says that
14 you produced documents that describe the harm
15 that is in your custody. You produced certain
16 emails. Are they representative of the harm
17 that you had?
18 A. No.
19 Q. Do you have documents, Doctor, that are
20 representative of the harm alleged in the
21 civil action 17-4392?
22 A. I'm not sure what sort of document I would
23 have that says that my vote doesn't count the
24 way it should. How does one document that --
25 other than obviously looking at the map. I

1 Q. I know what you are saying.
2 MR. HEALEY: I think it's fair, she
3 doesn't have a specific document responsive to
4 that question.
5 Q. I am just reading what the court said. They
6 said ask the witness if they have a document
7 that evidences their harm, and you are saying
8 you don't have such a document.
9 A. I have no document in my possession which I
10 think is what it says that says that. There
11 are plenty of documents in the public record
12 that evidence that. I think basically the
13 congressional map.
14 Q. So if you had the congressional map, you would
15 offer that to me as a document that evidences
16 of the harm that you've had; is that right?
17 A. That evidences how my vote was diluted by this
18 ridiculous looking map.
19 Q. Does any other document come to mind even if
20 it is not in your possession?
21 A. No.
22 Q. Now, you brought with you some emails, Doctor.
23 Let's start off with this.
24 -----
25 (Exhibit 3 was marked for identification.)

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<p>1 -----</p> <p>2 Q. I will show you what we marked as 3, Dr.</p> <p>3 Kellerman. Could you identify this email,</p> <p>4 please.</p> <p>5 A. This is from my email. What do you mean by</p> <p>6 identify?</p> <p>7 Q. It must be, because that was printed out by my</p> <p>8 paralegal this morning from your computer.</p> <p>9 A. These are my emails, yes.</p> <p>10 Q. Give me an overview. What are you doing here?</p> <p>11 You are meeting Senator Vulakovich?</p> <p>12 A. I met with Senator Vulakovich who is my state</p> <p>13 senator. I met with him to discuss with him</p> <p>14 whether he was going to support Senate Bill 22</p> <p>15 which is the redistricting bill to redraw maps</p> <p>16 after the 2020 census, have those maps drawn</p> <p>17 by a nonpartisan citizens commission instead</p> <p>18 of our current system.</p> <p>19 Q. And Senator Vulakovich is an R or D?</p> <p>20 A. Senator Vulakovich is a Republican.</p> <p>21 Q. What did he tell you when you met him in the</p> <p>22 parking lot?</p> <p>23 A. We didn't meet him in the parking lot. We met</p> <p>24 in the parking lot to get our stuff together</p> <p>25 and then go in together. He allowed us to</p>	<p>1 involved in her local Republican party for two</p> <p>2 decades. So this is not a Democratic issue.</p> <p>3 This is a citizens issue.</p> <p>4 Q. So you are saying these emails represent</p> <p>5 bipartisan actions?</p> <p>6 A. Maureen is a Republican and Carolyn who is the</p> <p>7 third person that went is a Democrat and has</p> <p>8 been for a long as I know.</p> <p>9 Q. Doctor, in your mind, these emails, what do</p> <p>10 they represent? You said you had them. You</p> <p>11 brought these with you today, and I appreciate</p> <p>12 that.</p> <p>13 A. They don't represent anything. Brian asked me</p> <p>14 anything in my email that included the word</p> <p>15 "gerrymandering" I should forward, and this</p> <p>16 actually was about gerrymandering.</p> <p>17 -----</p> <p>18 (Exhibit 4 was marked for identification.)</p> <p>19 -----</p> <p>20 Q. Let me show you Exhibit 4. This is also an</p> <p>21 email that we printed out from your laptop,</p> <p>22 right?</p> <p>23 A. Uh-huh.</p> <p>24 Q. Would you tell us what this represents from</p> <p>25 November 28 and then it goes back to May 3?</p>
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<p>1 come into his office, yes. He was very</p> <p>2 polite. He listened. At that time he said he</p> <p>3 was open to listening to it, but he was not</p> <p>4 going to co-sponsor it. My state</p> <p>5 representative who also is a Republican is, in</p> <p>6 fact, a co-sponsor of the equivalent house</p> <p>7 bill. It is a bipartisan bill.</p> <p>8 Q. What has happened to that bill?</p> <p>9 A. At the moment, it is sitting in the state</p> <p>10 government committee where it will sit until</p> <p>11 these lawsuits are resolved. Because nobody</p> <p>12 is interested in investing any political</p> <p>13 capital in bills that might be moot.</p> <p>14 Q. So you are referencing, you know, the cases</p> <p>15 that we are here today testifying in and other</p> <p>16 cases that have been filed, some as high as</p> <p>17 the Supreme Court?</p> <p>18 A. And they are also talking about the Wisconsin</p> <p>19 Supreme Court case.</p> <p>20 Q. So people don't want to invest in something</p> <p>21 that may be worthless depending on how the</p> <p>22 courts decide these things?</p> <p>23 A. I guess. The people in the email are both</p> <p>24 Republicans and Democrats. Maureen is a</p> <p>25 registered Republican who has been actively</p>	<p>1 A. That was just my sharing of what I understood</p> <p>2 was going on with the Senate Bill 22 with the</p> <p>3 people I know on-line. So I just shared what</p> <p>4 my conversation with Senator Folmer and</p> <p>5 Senator Williams who are, I believe, both in</p> <p>6 the state government committee, with where the</p> <p>7 bill stood back in May which was that it</p> <p>8 sounded like they were going to likely be</p> <p>9 hearing sometime in the summer. I don't</p> <p>10 believe that ever happened, but I don't know</p> <p>11 for certain.</p> <p>12 Q. So the exhibit is kind of like a history of</p> <p>13 where the status of Senate Bill 22 was as of</p> <p>14 May 2017?</p> <p>15 A. Yes.</p> <p>16 Q. Now as far as you know, has anything else</p> <p>17 happened to that, Doctor?</p> <p>18 A. Since May? The equivalent House bill which is</p> <p>19 722 was introduced. It has 90 co-sponsors</p> <p>20 from both parties. It is also sitting there.</p> <p>21 Q. For the same reason we just discussed.</p> <p>22 A. Yes.</p> <p>23 Q. I am going to ask you some background</p> <p>24 questions. Have you ever gone by any other</p> <p>25 name?</p>

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1 A. No.
2 Q. And what is your date of birth, please?
3 A. July 15, 1965.
4 Q. And I think you did give me your address,
5 right?
6 A. 1299 Fox Chapel Road, I did.
7 Q. How long have you resided there, Doctor?
8 A. 17 years.
9 Q. You have your own business?
10 A. Yes.
11 Q. What is the name of that business?
12 A. Pittsburgh Veterinary Internal Medicine.
13 Q. You have an office or a clinic, or what do you
14 have?
15 A. It is mobile practice.
16 Q. Do you have like a van?
17 A. No. I do ultrasounds at local veterinarians'
18 practices, and it fits in a backpack. It is
19 the size of a large laptop computer.
20 Q. You make house calls?
21 A. I visit other veterinary hospitals.
22 Q. Do you have a specialty?
23 A. Internal medicine.
24 Q. How long have you been so employed with your
25 mobile veterinary practice?

1 about it. I don't remember if I did.
2 Q. Bernie Sanders?
3 A. Yes.
4 Q. But other than Bernie, did you send anybody
5 else any money?
6 A. No.
7 Q. Did any government official stop you from
8 making political contributions?
9 A. No.
10 Q. Did any law ever stop you from making
11 political contributions?
12 A. The law does limit how much of a political
13 contribution I can make currently which I --
14 Q. That's for all of us, right?
15 A. Yes.
16 Q. But you never got up to that point, right?
17 A. Oh, not before November.
18 Q. I'm not following that.
19 A. I have been donating to Senator Casey, and I
20 will max out that donation this year.
21 Q. That will be your first time getting to the
22 max?
23 A. Yes.
24 Q. That's on behalf of Senator Casey?
25 A. Yes.

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1 A. I have been mobile since 2004, and prior to
2 that I worked at Pittsburgh Veterinary
3 Specialists, and it was a combined PVS and
4 Pittsburgh Veterinary Internal Medicine. We
5 had a practice in Shaler.
6 Q. What veterinary medical college did you go to?
7 A. Cornell.
8 Q. How long have you been registered with the
9 Democratic party?
10 A. I think since I was 18.
11 Q. Now since you were registered, Doctor, have
12 you been active in the Democratic party?
13 A. No. And I regret that greatly.
14 Q. I think you've described that you have voted
15 in elections from 2005 to the present, right?
16 A. Yes.
17 Q. You're a regular voter in the general election
18 and the primary; is that right?
19 A. Yes.
20 Q. And we talked about you have never been
21 prohibited from voting.
22 A. Correct.
23 Q. Now, during this time from 2005, Doctor, did
24 you make political contributions?
25 A. I might have sent Sanders \$15. I thought

1 Q. Now, have you, Doctor, ever campaigned for or
2 spoken in support of any candidate?
3 A. Not prior to the November elections. Do you
4 want to know now?
5 Q. Well, you are saying November. You are saying
6 last November.
7 A. The ones that passed, yes.
8 Q. What did you do?
9 A. Nothing before November. Now I have. I am
10 advocating for a State Senate candidate in my
11 district.
12 Q. Who is that?
13 A. Stephanie Walsh. And if you are in PA 38 she
14 is worth meeting.
15 Q. I would like to, but I'm not. So you are
16 saying you're active for Stephanie after last
17 November's election?
18 A. Yes.
19 Q. You weren't active in last November's election
20 --
21 A. Correct.
22 Q. -- other than voting?
23 A. Right.
24 Q. Now you are campaigning for Stephanie? Do you
25 speak on her behalf?

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1 A. No. I hosted a house party for her, and I
2 will knock on doors for her when the time
3 comes.
4 Q. That's campaigning.
5 A. Yes.
6 Q. Where does Stephanie live?
7 A. She is in Highland Park. Which oddly is in my
8 Senate district, despite being on the other
9 side of the river.
10 Q. I see what you mean. I always thought people
11 kind of migrated from like Shadyside, Squirrel
12 Hill, Highland Park out to Fox Chapel.
13 A. Well, you have to migrate across a bridge.
14 Q. I take it that no government official ever
15 stopped you from campaigning or speaking on
16 behalf of any political candidate?
17 A. No.
18 Q. Was there any law that would have stopped you
19 from campaigning or speaking on behalf of any
20 candidate?
21 A. Not that I am aware of.
22 Q. Doctor, have you ever participated in any
23 public protests of any kind?
24 A. I have.
25 Q. Would you explain that, please.

1 think the tax reform proposal is horrendous.
2 Q. Doctor, did any law stop you from
3 participating in any other civic activity?
4 A. I don't think so.
5 Q. We have talked about your political
6 contributions on a federal, state or local
7 candidate. You are mainly with Stephanie
8 right now making contributions?
9 A. I don't think I have given her money. I have
10 given her time.
11 Q. Now since 2005, have you contacted your member
12 of Congress on any issues or constituent
13 service matters?
14 A. Yes.
15 Q. Would you tell us about that, please.
16 A. I have called Congressman Rothfus' office
17 about funding for the wall, the southern
18 border wall, immigration, the Dreamers, the
19 Better Care and Reconciliation Act, whatever
20 the BCRA was called before it got called the
21 BCRA, the tax reform proposal.
22 Q. We are talking about Keith.
23 A. Yes. Oh, yes. Pretty much -- the Power Plant
24 Act, repealing the Clean Water Act -- because
25 we don't need clean water. Basically whatever

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1 A. I attended a Planned Parenthood rally when I
2 was in college. I attended a local women's
3 march. I protest at Senator Toomey's office
4 regularly on Tuesdays, if I can swing that
5 with work. I protested against the Muslim
6 ban. I protest in front of Keith Rothfus'
7 office on Wednesdays. Initially we were
8 demanding that he hold a town hall and listen
9 to us. He still has not done that. Now it is
10 more issue oriented.
11 Q. Who organizes these protests?
12 A. People who live there. The women's march
13 was -- I mean the local women's march,
14 somebody on-line said we should have one, and
15 12 people showed up at the local Panera's and
16 organized a march. I was in charge of
17 port-a-johns. So you really don't need a lot
18 of experience to be a protestor. Nobody is
19 paying us, and if we are supposed to get paid,
20 we are doing it wrong.
21 Q. What are you protesting about with Senator
22 Toomey?
23 A. A, that you can't get in contact with him. He
24 is completely inaccessible. He refuses to
25 meet with constituents. At the moment, I

1 seems to be going. The Consumer Financial
2 Protection Bureau. He is a big advocate of
3 this Choice Act to get rid of Dodd-Frank.
4 Really anything that has been going on.
5 Q. Do you call his office?
6 A. I call his office. And generally somebody
7 answers, they take my name and my ZIP code,
8 and they promise they are going to pass that
9 on.
10 Q. You tell them the subject matter that you are
11 concerned about?
12 A. Yes.
13 Q. And have you written to Congressman Rothfus?
14 A. Regularly, yes.
15 Q. When you say regularly, what are we talking
16 about? Once a month?
17 A. Twice a week.
18 Q. That's pretty regularly, I would say.
19 A. Not every week. I missed Thanksgiving.
20 Q. Do you email him or do you send him letters?
21 A. I primarily email him. There is a "contact
22 me" spot on his website where you can cut and
23 paste and send him mail.
24 Q. Does he ever respond?
25 A. I get form letters back.

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1 Q. What do they say?

2 A. They say thank you for contacting me. Most of

3 the time they have the correct topic, but not

4 always. The first one I got back about the

5 border wall, basically said thank you for

6 agreeing with me that funding a border wall is

7 really important, and I hope to continue to

8 hear from you. It clearly was not read.

9 Q. Since 2005, have you contacted your senator?

10 A. I have.

11 Q. What has that been about?

12 A. I generally contact Senator Casey to thank him

13 for standing up for the Affordable Care Act

14 and his votes against Betsy DeVos and the

15 other cabinet members. Senator Toomey I have

16 contacted about sanctuary cities, about

17 budgets, about funding for the NIH, about

18 immigration, about the tax reform proposal.

19 Do you need more? The environment, the Dream

20 Act, Puerto Rico.

21 Q. This is Senator Toomey?

22 A. Yes.

23 Q. Has Senator Toomey been responsive to you?

24 A. No, and his staffers aren't always polite.

25 Q. Have they ever gotten back to you on any of

1 Q. There is a borough council and the borough

2 council has a mayor in Fox Chapel?

3 A. Yes.

4 Q. And we talked about you have never run for

5 public office?

6 A. No.

7 Q. Have you ever attempted to draw what you would

8 consider a fair district?

9 A. No.

10 Q. I think you mentioned before, you don't feel

11 you are qualified to do that.

12 A. Correct. I mean, there are people who are

13 writing computer programs that will do that.

14 I do feel that I would be qualified to be on a

15 nonpartisan citizens commission, but, no, I

16 have no expertise in map drawing.

17 Q. What would be the political composition of a

18 fair district for you, Doctor?

19 A. It would represent the people who live in the

20 district. It would be a district that

21 generally follows a combination of township

22 and natural borders. In areas where there are

23 highways and things, then those would be taken

24 into account, because, you know, like crossing

25 a large highway, the people on one side might

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1 these issues?

2 A. Have I ever received a call back? I generally

3 call and give my information. One day a long

4 time -- back in December, a staffer actually

5 called me back. I think they weren't that

6 busy back then and asked some questions.

7 Q. What did you talk about?

8 A. God, I don't remember.

9 Q. Did you ever contact your governor?

10 A. Occasionally.

11 Q. Which governor?

12 A. Governor Wolf.

13 Q. Has he been responsive?

14 A. His office is, yes.

15 Q. On what subjects?

16 A. Opposing the gun -- whether he would veto SB

17 83 the guns in school act if it came up,

18 supporting Planned Parenthood. And then I

19 have basically just called and said thank you

20 for working hard.

21 Q. You don't have a mayor in Fox Chapel, do you?

22 A. We do.

23 Q. Have you contacted your mayor?

24 A. No. I am very happy with my borough council.

25 The town sort of seems to chug along.

1 not really belong in that district if their

2 whole civic life is held on the other side.

3 Like you know what happened with the

4 Civic Arena in Pittsburgh, it cut communities

5 apart. It should follow real community lines,

6 and it should be drawn based upon the actual

7 community, not based upon the history of how

8 people vote, and I don't see how that should

9 be relevant.

10 Q. How people vote can change though?

11 A. Yes, it can.

12 Q. From year to year, right?

13 A. Yes.

14 Q. It really can.

15 A. Yes.

16 Q. What would the racial composition of a fair

17 district be for you, Doctor?

18 A. It depends upon the district and where people

19 live. I understand that people of color and

20 minority should not be disenfranchised and

21 that the Voting Rights Act protects them in

22 how districts are drawn, and that's primary

23 going to, in my area, going to affect urban

24 districts much more than my district.

25 My school system is something like 92

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1 or 95 percent white.
 2 Q. Fox Chapel School District?
 3 A. Yes. We are sadly nondiverse. My district is
 4 not, unfortunately, going to be terribly
 5 racially diverse. But if there were a
 6 racially different community sitting in the
 7 middle of my district, it shouldn't be carved
 8 down and stuck in somebody else's district.
 9 Q. Doctor, when you voted in 2010, did the shape
 10 the -- I think you said the 4th district
 11 harmed you.
 12 A. I looked up my district, and I don't remember
 13 exactly when it was redrawn, but my district
 14 has been strange twice now. We were the 4th
 15 -- do you know the time frame? I don't know
 16 the time frame.
 17 MR. HEALEY: I can't answer for you.
 18 A. I think my district actually was gerrymandered
 19 back in 2000 and then got -- got exaggerated
 20 in 2010. So I think that we were actually the
 21 4th before 2010 -- I don't remember the exact
 22 time frame.
 23 Back when I was in the 4th, I didn't
 24 really pay any attention. Looking at the map,
 25 it looked like my district was a fairly normal

1 A. Yes.
 2 Q. As we discussed in this deposition.
 3 A. Yes.
 4 Q. When you voted in 2016, how did the shape of
 5 your district harm you? And if so, how?
 6 A. The shape of my district -- the composition of
 7 my district was determined by the shape of my
 8 district. It is not actually that it is this
 9 weird shape that hurts me. It is that we had
 10 to make these weird shapes to get these people
 11 and these people and take these people over
 12 here in the narrow part out that harms me.
 13 Q. Did Keith run in 2016?
 14 A. Yes. And he won.
 15 Q. I know Keith. Just coincidentally.
 16 A. And it harmed me by diluting the power of my
 17 vote because my vote should count because when
 18 you take all of the other people nearby who
 19 are part of my community and my nearby
 20 communities, and you cut them out because they
 21 vote like I do, and instead, you put in these
 22 group of people and that group of people, and
 23 you are just sticking them in there, not
 24 because they are nearby or belong in my
 25 district, but because they vote like somebody

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1 looking blob. It wasn't a rectangle, but, I
 2 mean, it looked like a fairly compact looking
 3 thing. I never really paid attention to it.
 4 I went and voted.
 5 And my state districts are not
 6 horrendous, my particular 30 and 38 are --
 7 like we have that little Highland Park
 8 business on the other side of the river, but
 9 overall my district is relatively normal
 10 looking. It is my congressional district that
 11 is bizarre.
 12 Q. Don't you agree if you try to gerrymander, or
 13 whatever you want to call it, a district to
 14 satisfy one particular criteria, let's say
 15 racial, and you push it one way, it
 16 necessarily is going to create an imbalance
 17 somewhere else.
 18 A. I don't agree with that. The way people who
 19 live in Johnstown are now part of my district
 20 are no more white than the white people who
 21 live over in Cheswick who are now not part of
 22 my district.
 23 Q. So it would be your testimony that when you
 24 voted in 2012, the shape of your district
 25 harmed you; is that right?

1 else wants them to vote, that harms me. When
 2 my district should be about 50-50 because
 3 that's who lives in the area around me, that
 4 my district should be able to pick the
 5 representative who represents us.
 6 Right now, my vote counts less --
 7 doesn't count the way it should, and my
 8 representative is chosen by a bunch of people
 9 over here who are in a community very
 10 different than my community.
 11 Q. What community is that?
 12 A. We have Johnstown and Beaver. We have very --
 13 we don't have the river communities which are
 14 much closer to me. I am three miles from the
 15 river.
 16 There is nothing wrong with the people
 17 in Beaver and there is nothing wrong with
 18 people in Johnstown, but they are not the
 19 compacting, contiguous group of people who
 20 should belong to my district.
 21 And we didn't, and the people in
 22 Beaver and the people in Johnstown didn't
 23 decide that they should be in this district.
 24 Somebody else decided this for us. And they
 25 have decided this so that they would break up

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1 the Democratic votes and increase the number
2 of Republican votes. So we don't get to pick
3 who our representative is anymore.
4 Q. Doctor, are you aware that Pennsylvania lost a
5 congressional seat as a result of the 2010
6 census?
7 A. Yes, that's why my district got picked to go
8 away. That's why I'm not in the 4th anymore.
9 Q. So there had to be --
10 A. There had to be some changes, absolutely. But
11 there is no reason in the world they by chance
12 ended up looking the way they do.
13 Q. Are you aware that each congressional district
14 is required to have the same population?
15 A. Uh-huh.
16 Q. Do you know why?
17 A. Because of the theory that congressional, our
18 representatives represent us based on a one
19 vote, one person one vote ideal.
20 Q. Do you know what the Voting Rights Act is?
21 A. Uh-huh.
22 Q. What is that?
23 A. Okay, I don't know exactly what the Voting
24 Rights Act is. I have read it.
25 Q. It is not trying to be a test.

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1 MR. HEALEY: She is not a lawyer,
2 but per her understanding, that's fine.
3 MR. HALL: Well, I don't think you
4 have to be a lawyer to understand it.
5 MR. HEALEY: There are Supreme Court
6 cases on that one.
7 Q. Is there any reason, Doctor, that you would
8 have waited until October, November 2017 to
9 file a lawsuit challenging the 2011 plan
10 and --
11 A. Me personally?
12 Q. Why not file in 2012 or 2013, 2014? It's been
13 five years.
14 A. I didn't file this personally.
15 Q. You are just part of a group.
16 A. Yes. I mean, if somebody had asked me in 2012
17 would I be interested in doing something about
18 my gerrymandered district, I would have said
19 yes.
20 MR. HALL: I think I'm about done.
21 Let me take a minute here and let me just
22 check some notes.
23 -----
24 (There was a recess in the proceedings.)
25 -----

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1 MR. HALL: Thank you, Doctor, very
2 much.
3 MR. HEALEY: We will waive.
4 -----
5 (The proceedings were concluded at 10:40 a.m.)
6 -----

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1 COMMONWEALTH OF PENNSYLVANIA) CERTIFICATE
2 COUNTY OF ALLEGHENY } ss
3 I, Sheila Stauffer, a Registered Professional
4 Reporter and Notary Public in and for the Commonwealth
5 of Pennsylvania, do hereby certify that the witness
6 was by me first duly sworn to testify the truth, the
7 whole truth, and nothing but the truth; that the
8 foregoing deposition was taken at the time and place
9 stated herein; and that the said deposition was
10 recorded stenographically by me and then reduced to
11 typewriting under my direction, and constitutes a true
12 record of the testimony given by said witness, all to
13 the best of my skill and ability.
14 I further certify that the inspection, reading and
15 signing of said deposition were waived by counsel for
16 the respective parties and by the witness.
17 I certify that I am not a relative or employee of
18 either counsel, and that I am in no way interested,
19 directly or indirectly, in this action.
20 IN WITNESS WHEREOF, I have hereunto set my hand
21 and affixed my seal of office this 29TH day of
22 November, 2017.

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